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**UNITED STATES DISTRICT COURT**

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7 EASTERN DISTRICT OF CALIFORNIA

8 ISRAEL MALDONADO RAMIREZ,

**Case No. 1:22-cv-01343-ADA-SKO**

9 Plaintiff,

**ORDER DIRECTING CLERK OF  
COURT TO CLOSE THE CASE**

10 v.

11 DIANNA FINESTAINE,

**(Doc. 4)**

12 Defendant. /

13  
14 Plaintiff, Israel Maldonado Ramirez, a state prisoner, filed this action on October 20, 2022.  
15 (Doc. 1.)

16 On December 23, 2022, Plaintiff, in response to the Court's order to either pay the applicable  
17 filing fee or file an application to proceed *in forma pauperis* (Doc. 2), filed a document titled  
18 "Declaration of Dismissal of Order of Complaint Here" in which he indicates he "no longer want[s]  
19 to prosecute" this case. (Doc. 4.) In relevant part, Rule 41(a)(1)(A) provides as follows:

20  
21 [A] plaintiff may dismiss an action without a court order by filing: (i) a notice of  
22 dismissal before the opposing party serves either an answer or a motion for  
23 summary judgment; or (ii) a stipulation of dismissal signed by all parties who have  
24 appeared.

25 Fed. R. Civ. P. 41(a)(1)(A). Rule 41(a)(1)(B) provides further that "[u]nless the notice or stipulation  
26 states otherwise, the dismissal is without prejudice." Fed. R. Civ. P. 41(a)(1)(B).

27 Plaintiff filed his voluntary dismissal before the opposing party served either an answer or a  
28 motion for summary judgment. As such, Plaintiff has voluntarily dismissed this matter without  
prejudice pursuant to Federal Rules of Civil Procedure 41(a)(1). The Court therefore DIRECTS the

1 Clerk of Court to CLOSE the case.

2 IT IS SO ORDERED.

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4 Dated: December 29, 2022

/s/ Sheila K. Oberto  
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UNITED STATES MAGISTRATE JUDGE